

**SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 25, 2006**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Cannon. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Johanna Roberts, Page.

**Approval of Journal**

January 25, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

January 24, 2006

Mr. Speaker:

I transmit herewith **S 1277** and **S 1278** which have passed the Senate.

WOOD, Secretary

**S 1277** and **S 1278** were filed for first reading.

**Report of Standing Committees**

January 25, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 446**, **H 447**, **H 448**, **H 449**, **H 450**, **H 451**, **H 452**, **H 453**, **H 454**, **H 455**, **H 456**, **H 457**, **H 458**, **H 459**, **H 460**, **H 461**, and **HJR 2**.

FIELD(18), Chairman

**H 446**, **H 447**, **H 448**, and **H 449** were referred to the Business Committee.

**H 450** was referred to the Judiciary, Rules, and Administration Committee.

**H 451** was referred to the Commerce and Human Resources Committee.

**H 452**, **H 453**, **H 454**, and **HJR 2** were referred to the State

Affairs Committee.

**H 455**, **H 456**, **H 457**, **H 458**, **H 459**, **H 460**, and **H 461** were referred to the Revenue and Taxation Committee.

January 23, 2006

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **H 405** and **H 406** and recommend that they do pass.

SCHAEFER, Chairman

**H 405** and **H 406** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

**HOUSE CONCURRENT RESOLUTION NO. 31  
BY HEALTH AND WELFARE COMMITTEE  
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF SUICIDE BY ENDORSING IDAHO'S SUICIDE PREVENTION PLAN AND SUPPORTING SAID PLAN'S COMPREHENSIVE APPROACH.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, between 1999 and 2001, 559 Idahoans died from suicide;

WHEREAS, suicide is second only to unintentional injury as the leading cause of death for Idahoans age fifteen to thirty-four years, and is the ninth leading cause of death overall;

WHEREAS, Idaho has the seventh highest state per capita suicide rate in the nation;

WHEREAS, there were an estimated 40 suicide attempts for every completed suicide in Idaho during 2001;

WHEREAS, four out of five young people exhibited recognizable warning signs of suicide prior to attempting suicide;

WHEREAS, Idaho's Suicide Prevention Plan was developed to address the problem of suicide in Idaho;

WHEREAS, Idaho's Suicide Prevention Plan provides a guide for agencies, organizations and individuals in developing specific plans of action in preventing suicide at the state, regional and local levels;

WHEREAS, Idaho's Suicide Prevention Plan focuses on current Idaho activities and needs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho acknowledges the seriousness of the suicide crisis facing the state and the importance of suicide prevention by endorsing Idaho's Suicide Prevention Plan.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, support Idaho's Suicide Prevention Plan's comprehensive

approach towards reducing the risk of both suicide attempts and completions for all Idahoans through the efforts and coordination of all concerned agencies, organizations, advocacy groups and individuals.

**HCR 31** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 462**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO CASUALTY INSURANCE CONTRACTS; AMENDING SECTION 41-2515, IDAHO CODE, TO LOWER THE ELIGIBILITY AGE FOR CERTAIN AUTOMOBILE INSURANCE POLICY DISCOUNTS.

**HOUSE BILL NO. 463**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO TEMPORARY REGISTRATION OF COMMERCIAL MOTOR VEHICLES; AMENDING SECTION 49-432, IDAHO CODE, TO PROVIDE A THIRTY DAY PENDING LEASE PERMIT, TO CLARIFY USE OF A PENDING LEASE PERMIT AND TO DELETE REDUNDANT LANGUAGE.

**HOUSE BILL NO. 464**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO PORTS OF ENTRY AND CHECKING STATIONS ESTABLISHED BY THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 40-510, IDAHO CODE, TO PROVIDE CORRECT REFERENCE TO THE ENFORCEMENT AUTHORITY OF TRANSPORTATION DEPARTMENT EMPLOYEES AT PORTS OF ENTRY AND CHECKING STATIONS; AND AMENDING SECTION 40-511, IDAHO CODE, TO CLARIFY THOSE VEHICLES REQUIRED TO STOP AT PORTS OF ENTRY AND CHECKING STATIONS FOR INSPECTION, GRADING OR WEIGHING.

**HOUSE BILL NO. 465**

**BY AGRICULTURAL AFFAIRS COMMITTEE  
AN ACT**

RELATING TO COMMERCIAL FEED; AMENDING SECTION 25-2715, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-2716, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 25-2717, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2718, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE REGISTRATION PROVISIONS, TO

PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2719, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE LABELING REQUIREMENTS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2720, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR REPORTING, TO REVISE FEE PROVISIONS, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2721, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE ADULTERATION PROVISIONS, TO PROVIDE A CORRECT REFERENCE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2722, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO COMMERCIAL FEEDS DEEMED TO BE MISBRANDED, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2723, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT CODE REFERENCES, TO AUTHORIZE THE DIRECTOR OF THE IDAHO DEPARTMENT OF AGRICULTURE TO COPY CERTAIN RECORDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-2724, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY, TO AUTHORIZE RULEMAKING AUTHORITY FOR THE ESTABLISHMENT OF FEES FOR SERVICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-2725, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR STOP SALE, USE OR REMOVAL ORDERS, TO STRIKE UNNECESSARY VERBIAGE, TO PROVIDE FOR COMMERCIAL FEED NOT IN COMPLIANCE WITH CERTAIN RULES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 27, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2712, IDAHO CODE, TO PROVIDE FOR PROHIBITED ACTS; AMENDING SECTION 25-2726, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PENALTY PROVISIONS, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 25-2727 AND 25-2728, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING CHAPTER 27, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2716, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AND AMENDING CHAPTER 27, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2717, IDAHO CODE, TO PROVIDE FOR THE USE OF FUNDS RECEIVED.

**HOUSE BILL NO. 466**

**BY AGRICULTURAL AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE CARBON SEQUESTRATION ADVISORY COMMITTEE; AMENDING SECTION 22-5202,

IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMMITTEE MEMBERSHIP.

**HOUSE BILL NO. 467**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO ELECTION PROCEDURES; AMENDING SECTION 34-304, IDAHO CODE, TO PROVIDE FOR WATCHERS TO OBSERVE THE CONDUCT OF AN ELECTION, TO ALLOW PRO AND CON PERSONS TO BE AT POLLING PLACES FOR THE PURPOSE OF CHALLENGING VOTERS AND OBSERVING THE CONDUCT OF AN ELECTION AND TO PROVIDE PROCEDURES; AMENDING SECTION 34-418, IDAHO CODE, TO PROVIDE FOR UTILIZATION OF THE STATEWIDE VOTER REGISTRATION SYSTEM FOR NOTIFYING REGISTRATION OFFICIALS OR THE COUNTY CLERK WHERE THE ELECTOR WAS PREVIOUSLY REGISTERED SO THAT THE PRIOR REGISTRATION MAY BE CANCELLED; AMENDING SECTION 34-432, IDAHO CODE, TO DELETE LANGUAGE ALLOWING AN ELECTOR TO REQUEST A CHANGE IN THE INFORMATION ON HIS REGISTRATION CARD; AND AMENDING SECTION 34-437B, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL SUPPLY TO A REQUESTING SCHOOL BOARD A LIST OF REGISTERED ELECTORS.

**HOUSE BILL NO. 468**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO HEALTH CARE DIRECTIVE REGISTRY; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE A HEALTH CARE DIRECTIVE REGISTRY EXCEPTION TO THE PUBLIC RECORDS ACT; AMENDING SECTION 39-4509, IDAHO CODE, TO DEFINE "HEALTH CARE DIRECTIVE"; AMENDING SECTION 39-4510, IDAHO CODE, TO PERMIT REGISTRATION OF A HEALTH CARE DIRECTIVE; AMENDING SECTION 39-4511, IDAHO CODE, TO PERMIT REGISTRATION OF A HEALTH CARE DIRECTIVE REVOCATION; AMENDING SECTION 39-4513, IDAHO CODE, TO PROVIDE IMMUNITIES; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4515, IDAHO CODE, TO CREATE A HEALTH CARE DIRECTIVE REGISTRY IN THE OFFICE OF THE SECRETARY OF STATE, TO PROVIDE FOR THE CONTENT OF THE INFORMATION TO BE INCLUDED IN THE REGISTRY, TO PERMIT REGISTRATION OF HEALTH CARE DIRECTIVES AND REVOCATIONS, TO PERMIT THE SECRETARY OF STATE TO CHARGE A FEE FOR REGISTRATION OF A HEALTH CARE DIRECTIVE, TO PROVIDE AND LIMIT DUTIES AND RESPONSIBILITIES OF THE SECRETARY OF STATE, TO PROVIDE A MEANS OF ACCESS TO THE REGISTRY, TO LIMIT ACCESS TO THE INFORMATION CONTAINED IN THE REGISTRY, TO LIMIT LIABILITY OF THE SECRETARY OF STATE AND THE STATE OF IDAHO AND TO CREATE A FUND TO SUPPORT, PROMOTE AND MAINTAIN THE REGISTRY.

**HOUSE BILL NO. 469**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE IDAHO CONSUMER PROTECTION ACT; AMENDING SECTION 48-603, IDAHO CODE, TO PROVIDE THAT IT IS A VIOLATION OF THE CONSUMER PROTECTION ACT TO TAKE ADVANTAGE OF A DISASTER OR EMERGENCY DECLARED BY THE GOVERNOR OR THE PRESIDENT OF THE UNITED STATES BY SELLING OR OFFERING TO SELL TO A WHOLESALE, A RETAILER OR THE ULTIMATE CONSUMER FUEL OR FOOD, PHARMACEUTICALS OR WATER FOR HUMAN CONSUMPTION AT AN EXORBITANT OR EXCESSIVE PRICE FOR NINETY DAYS FOLLOWING THE DECLARATION UNLESS THE GOVERNOR CONTINUES THE DECLARATION BEYOND THAT PERIOD AND TO REVISE FACTORS A COURT SHALL TAKE INTO CONSIDERATION TO DETERMINE WHETHER A PRICE IS EXORBITANT OR EXCESSIVE; AND AMENDING SECTION 48-606, IDAHO CODE, TO INCREASE CIVIL PENALTIES.

**HOUSE BILL NO. 470**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO EXEMPTIONS FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602KK, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROPERTY TAX OF ONE HUNDRED FIFTY THOUSAND DOLLARS OF MARKET VALUE FOR ASSESSMENT PURPOSES FOR THE OWNER-OCCUPIED HOMESTEAD OF AN INDIVIDUAL SEVENTY YEARS OF AGE OR OLDER WHO IS THE RECORD OWNER HOLDING TITLE IN FEE SIMPLE OR WHO HAS RETAINED OR BEEN GRANTED A LIFE ESTATE, WHO HAS PAID IDAHO REAL PROPERTY TAXES ON IDAHO RESIDENTIAL REAL PROPERTY CONTINUOUSLY FOR THE IMMEDIATELY PRECEDING TEN YEARS AND WHO OCCUPIES THE HOMESTEAD AS THE INDIVIDUAL'S PRIMARY DWELLING PLACE, TO PROVIDE FOR ADMINISTRATION OF THE APPLICATION PROCESS, TO PROVIDE DEFINITIONS AND TO DECLARE THE EXEMPTION IS NECESSARY AND JUST; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 471**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3033, IDAHO CODE, TO DELETE THE PROVISION EXTENDING THE PAYMENT DUE DATE WHEN THE DATE TO FILE RETURNS IS EXTENDED AND TO PROVIDE THAT THE PAYMENT OF ANY BALANCE OF TAX IS DUE ON THE EARLIER OF THE EXTENDED DUE DATE OR THE DATE THE RETURN IS FILED.

**HOUSE BILL NO. 472**  
**BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO THE CIGARETTE TAX; AMENDING SECTION 63-2512, IDAHO CODE, TO REVISE THE PENALTY FOR POSSESSING MORE THAN TEN PACKAGES OF UNSTAMPED CIGARETTES FROM A CRIMINAL MISDEMEANOR TO A CIVIL PENALTY AND TO PROVIDE APPLICATION TO VARIOUS RETAILERS.

**HOUSE BILL NO. 473****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO OFFSET OF TAX REFUNDS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3077D, IDAHO CODE, TO AUTHORIZE AGREEMENTS BETWEEN THE STATE TAX COMMISSION AND THE UNITED STATES DEPARTMENT OF THE TREASURY FOR OFFSET OF TAX REFUNDS AGAINST TAX LIABILITIES, TO PROVIDE LIMITATIONS REGARDING THE OFFSET AND TO PROVIDE APPLICATION TO FEDERAL DEBT.

**HOUSE BILL NO. 474****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-317, IDAHO CODE, TO PROVIDE THAT THE OCCUPANCY TAX APPLIES TO INDUSTRIAL PROPERTY BUT NOT TO OPERATING PROPERTY; AMENDING SECTION 63-201, IDAHO CODE, TO PROVIDE THAT ELECTRICAL GENERATION PLANTS UNDER CONSTRUCTION, WHETHER OR NOT OWNED BY OR OPERATED IN CONNECTION WITH ANY PUBLIC UTILITY, SHALL BE DEFINED AS OPERATING PROPERTY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 475****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO SALES AND USE TAX EXEMPTIONS; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR ADMISSIONS TO AND PURCHASES BY MUSEUMS, TO DEFINE THE TERM "MUSEUM" AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE JOINT RESOLUTION NO. 3****BY LOCAL GOVERNMENT COMMITTEE**

## A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 14, ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO RIGHT OF EMINENT DOMAIN, TO PROVIDE THAT ECONOMIC DEVELOPMENT SHALL NOT BE USED AS A REASON FOR ANY AUTHORIZED GOVERNMENTAL ENTITY TO EXERCISE THE POWER OF EMINENT DOMAIN AND TO PROVIDE A DEFINITION OF "ECONOMIC DEVELOPMENT"; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE

STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**H 462, H 463, H 464, H 465, H 466, H 467, H 468, H 469, H 470, H 471, H 472, H 473, H 474, H475, and HJR 3** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1277 and S 1278**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 440**, by Appropriations Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, January 26, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:52 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk